

REMARKS

Claims 1-25 stand rejected. The Applicant has amended independent claims 12 and 21 and dependent claim 6 to clarify the present invention. The foregoing changes do not involve any new matter. The Applicant respectfully requests reconsideration of the rejections and objections in view of the above amendments and the following remarks.

In ¶2 of the Final Office Action, claims 1-6, 9, 10, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,866,762 to *Pintar* in view of U.S. Patent No. 6,014,435 to *Rosen*. Applicant has amended claim 6 to clarify that power is supplied from the telephone line to the controller and transceiver only when a telephone on hook condition is detected (see, Specification at p. 8, lines 4-8; page 9, lines 21 *et seq.*)

The Advisory Action did not address the arguments raised by Applicant in its in its Reply in Response to the Final Office Action which was filed on October 29, 2004. ("Response to Final Office Action") as to why the combination of *Pintar* and *Rosen* does not render the foregoing claims obvious. As such, Applicant repeats the arguments raised in its Response to Final Office Action for the allowance of the claims 1-6, 9, 10, 26, and 27 over the combination of *Pintar* and *Rosen*.

In ¶3 of the Final Office Action, dependent claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pintar*, *Rosen* and U.S. Patent No. 5,471,524 to *Colvin*. The Advisory Action did not address the arguments raised in Applicant's Response to Final Office Action as to why the combination of *Pintar*, *Rosen* and *Colvin* does not render the foregoing claims obvious. As such, Applicant repeats the arguments raised in its Response to Final Office Action for the allowance of claims 7 and 8 over the combination of *Pintar*, *Rosen* and *Colvin*.

In ¶4 of the Final Office Action, claims 12, 13 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pintar*. The Advisory Action also states that:

Although applicant makes arguments that the remote computer is connected to a different local exchange from the local exchange the telephone is connected to, no such limitation can be found in either claim 12 or claim 21 (filed 5/17/2004). All that is claimed regarding this alleged aspect of the present invention is a single "telephone line" connected to a single "exchange" through which communications are made between the remote computer and the telephone or call restriction device.

Applicant has amended independent claim 12 to make it clear that the call restrictor is connected to a telephone line at a location between a telephone and an exchange and that the remote computer has an access number that is accessible through a public telephone switching network. Since the remote computer has an access number that is accessible through a public telephone switching network, the remote computer is obviously connected to a different local exchange from the local exchange the telephone is connected to. See: Specification at page 4, lines 4-6, page 8, lines 1-24 and page 13, line 25 to page 14, line 15. See, also: FIG. 1. Thus, the rejection of claim 12 is moot in view of the foregoing amendment. Claim 13 depends from claim 12 and is allowable for the same reasons its parent claim.

The Advisory Action did not address any of the arguments raised by Applicant's Response to Final Office Action as to why the *Pintar* does not render claim 19 obvious. As such, Applicant repeats the arguments raised in its Response to Final Office Action for the allowance of claim 19 over *Pintar*.

In ¶5 of the Final Office Action, claims 14-19, 21, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pintar* in view of U.S Patent No. 5,864,613 to *Flood*. The Examiner also stated in the Advisory Action (*supra*) that claim 21 did not have the limitation of a remote computer "connected to a different local exchange from the local exchange".

Applicant has amended independent claim 21 to make it clear that the remote computer has an access number that is accessible through a public telephone switching network. See: Specification at page 4, lines 4-6, page 8, lines 1-24 and page 13, line 25 to page 14, line 15. See, also: FIG. 1. Thus, the rejection of claim 21 is moot in view of the foregoing amendment. Claim 22 depends from claim 21 and is allowable for the same reasons as its parent claim.

As to independent claim 16, the Advisory Action further states that:

Moreover, only claim 16 mentions the PSTN and *Flood* teaches using IVR and the PSTN in the manner claimed by the present invention. x x x Also, *Flood* teaches using a telephone 102 to control database 106 at a remote switch 104. (Fig. 1 of *Flood*) Therefore, using telephone network 108, read as the claimed PSTN, any command issued or button pressed on telephone 102 will require that those commands or button presses be signaled over the PSTN. Otherwise switch 104 would not receive those commands or button presses.

The *Flood* reference, at most, discloses a call caging system 100 that allows the use of a telephone keypad (or voice commands over the telephone) to supply telephone access criteria to the call caging system. See, e.g., *Flood* at col. 4. lines 8-18. Nothing in *Flood* discloses or suggests a computer or IVR system that is “remote”, (i.e., located on a local exchange that is different from the local exchange to which call caging system 104 is connected). As discussed in more detail below, what *Flood* actually teaches is that all of the components of the call caging system 100 connect to the public switch telephone network (“PSTN”) using the same local exchange and further, that the call caging system 100 is programmable without going through the PSTN.

FIG. 1 of *Flood*, which has been cited by the Examiner in support of his contentions, is described as follows:

FIG. 1 is a block diagram of a call caging system 100 of the

present invention. Call caging system 100 includes a telephone 102, a switch 104, a database 106, and a telephone network 108, which are interconnected by various communication busses. The bus interconnecting telephone 102 and switch 104 is commonly referred to as a "line". The bus interconnecting switch 104 and network 108 is commonly referred to as a "trunk". Telephone network 108 is telephone network of conventional design.

Flood, col. 2, lines 49-59.

In *Flood*, the user "supplies access criteria to call caging system 100 by using commands to call caging system 100 using telephone 102." (*Flood*, col. 4, lines 8-10) The only component of the call caging system that would be able to receive such commands would be switch 104, which the Examiner describes as a "remote" switch. However, switch 104 of *Flood* is not located on a local exchange that is different from the local exchange of the call caging system 100. In other words, switch 104 of *Flood* can be accessed by telephone 102 without going through the PSTN.

The *Flood* reference describes switch 104 as a PBX or a Class 5 switch. (*Flood*, col. 3, line 1-5) However, a PBX connects to the same local exchange as telephone 102 since a PBX is merely a PBX owner/user's private switching office. See: NEWTON'S TELECOM DICTIONARY 17TH EDITION ("NEWTON") at p. 518. Thus, if switch 104 is a PBX, it can be accessed by telephone 102 without going through the PSTN.

On the other hand, if switch 104 is a Class 5 switch, *Flood* does disclose that the Class 5 switch is located "remotely" from the telephone. (*Flood*, col. 3, line 1-5). A "Class 5 switch" is defined as a circuit switch used in an "end office" (Class 5 switch – "a type of circuit switch used in a local telephone end office." NEWTON at p. 149). Further, an "end office" ("a central office to which a telephone subscriber is connected... The last central office before the subscriber's telephone equipment." NEWTON at p. 250.) is merely another

term for “local exchange” (“the telephone exchange where subscribers’ lines are terminated. Also called an End Office.” NEWTON at p. 410.). Thus, the term “remotely” used in *Flood* merely means that the Class 5 switch is located at a local exchange. Therefore, if switch 104 is a Class 5 switch, it can be accessed by telephone 102 without going through the PSTN.

Based on the foregoing, *Flood* does not disclose an IVR having an access number that is accessible through the PSTN as recited in claim 16 or a remote computer having an access number that is accessible through the PSTN as recited in amended claims 12 and 21. Consequently, *Flood* does not teach “using the IVR and PSTN in the manner claimed by the present invention” as Examiner states in the Advisory Action. Independent claims 12, 16, and 21 are therefore allowable over *Flood*.

The Examiner also states in the Advisory Action that “... as noted in the previous office action, even using voice mail or an answering machine, a user can call from a remote telephone into the voice mail or answering machine to modify preferences for example.” Applicant submits that the Examiner has misunderstood the present invention. In independent claims 12, 16 and 21, the IVR or remote computer receives signals sent over the PSTN and the IVR or remote computer (not a user) then remotely programs the call restrictor device/call restrictor devices via signals sent over the PSTN.

As to independent claim 19, the Examiner has not cited, either in the Final Office Action or Advisory Action, how the combination of *Flood* and *Pintar* teaches or suggests the limitations recited in claim 19. Absent any such combination of references, claim 19 is allowable over the combination of *Flood* and *Pintar*.

Claims 14-15, 17-18 and 22 depend respectively from claims 12, 16 and 21 and are allowable for the same reasons as their respective parent claims. Applicant also refers to the arguments raised in its Response to Final Office Action for the allowance of these claims over the combination of *Flood* and *Pintar*.

In ¶6 of the Final Office Action, claims 23 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pintar*, *Rosen* and *Flood*. Claim 23 depends from amended claim 21 and is allowable for the same reasons as its parent claim. The Advisory Action did not address any of the arguments raised in Applicant's Response to Final Office Action as to why the combination of *Pintar*, *Rosen* and *Flood* does not render claim 25 obvious. As such, Applicant repeats the arguments raised in its Response to Final Office Action for the allowance of the claim 25 over combination of *Pintar*, *Rosen* and *Flood*. Applicant also refers to its argument in claim 16 above with respect to *Flood*.

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For the reasons set forth above, reconsideration of the application and allowance of claims 1-10, 12-19, 21-23, and 25-27 are hereby requested by the Applicant.



January 28, 2005

Date

Respectfully submitted,

A handwritten signature in cursive script, reading "Dennis M. Flaherty".

Dennis M. Flaherty

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January 28, 2005

Date

A handwritten signature in cursive script, reading "Dennis M. Flaherty".

Dennis M. Flaherty